

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Wilbert Andrew Allen, Sr.

Complainant,

vs.

ORDER FOR DISMISSAL

Renee Ehlenz,

Respondent.

The above-entitled matter came on for review before Administrative Law Judge Steve M. Mihalchick on July 20, 2004, based on a complaint filed by Wilbert Andrew Allen, Sr. on July 20, 2004, alleging a violation of Minn. Stat. § 211B.13, subds. 1 and 2, ^[1] by the Respondent.

The Complaint does not show a prima facie violation of statute for the following reasons:

1. One allegation in the Complaint is that the DFL office in St. Cloud sold campaign buttons and bumper stickers for “local candidates” for \$1.00 and campaign T-shirts for some higher price without offering receipts. The Complaint does not identify a particular election that was affected by these actions as required by the complaint form. A police report attached to Complaint shows that Mr. Allen reported the incident to the police and described the location as a campaign office for John Kerry at which Kerry buttons were being sold for \$1.00. Another allegation in the complaint is that a “vast” amount of campaign material was given to one particular couple.

2. Nothing in Minn. Stat. § 211B.13 prohibits the activities described. The items described are forms of campaign advertising, which are legal expenditures under Minn. Stat. § 211B.12, and the items may be given away or sold as the candidate or committee desires. Thus, the Complaint must be dismissed.

3. There are also procedural reasons the Complaint must be dismissed. First, Mr. Allen does not identify the role of the person he names as Respondent, Renee Ehlenz. Presumably she was a person working or volunteering at the location he describes, but he does not state for whom she was working or what she in particular did that might be a violation of Minn. Stat. chs. 211A or 211B. Second, as stated above, the Complaint fails to identify the election or elections that may have been affected by any illegal activity.

ORDER

IT IS THEREFORE ORDERED that the Complaint is **DISMISSED**.

Dated July 21, 2004

s/Steve M. Mihalchick
STEVE M. MIHALCHICK
Administrative Law Judge

^[1] The statute provides:

211B.13 **Bribery, treating, and solicitation.**

Subdivision 1. **Bribery, advancing money, and treating prohibited.** A person who willfully, directly or indirectly, advances, pays, gives, promises, or lends any money, food, liquor, clothing, entertainment, or other thing of monetary value, or who offers, promises, or endeavors to obtain any money, position, appointment, employment, or other valuable consideration, to or for a person, in order to induce a voter to refrain from voting, or to vote in a particular way, at an election, is guilty of a felony. This section does not prevent a candidate from stating publicly preference for or support of another candidate to be voted for at the same primary or election. Refreshments of food or nonalcoholic beverages of nominal value consumed on the premises at a private gathering or public meeting are not prohibited under this section.

Subd. 2. **Certain solicitations prohibited.** A person may not knowingly solicit, receive, or accept any money, property, or other thing of monetary value, or a promise or pledge of these that is a disbursement prohibited by this section or section 211B.15.